



# PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re the Application of:**

Borje et al.

Serial No.: 10/661,012

Filed: September 12, 2003

Confirmation No.: 6801

Atty. File No.: 44565-00041

For: "PULSE OXIMETER"

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Pursuant to Applicant's duty of disclosure under 37 CFR § 1.56 and 37 CFR §§ 1.97-1.98, Applicant hereby submits the enclosed PTO Form 1449, as well as a statement under 37 CFR § 1.97(e)(2). Applicant does not admit that any of such documents, alone or in any combination, is considered to be material to patentability as defined in 37 CFR § 1.56(b). Moreover, the inclusion of these documents is not to be construed as an admission by Applicant that each such document is prior art as to the above-identified application. Pursuant to the Official Gazette Notice of August 5, 2003, copies of any U.S. Patents or published U.S. Patent Applications are not being submitted herewith. Copies of any foreign patent and non-patent documents are submitted herewith.

Respectfully submitted,

MARSH FISCHMANN &amp; BREYFOGLE LLP

By:

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Date: 9/24/04

**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

Docket No.  
44565-00041

In Re Application Of:

Borje et al.

OCT 01 2004

Application No.

10/661,012

Filing Date

September 12, 2003

PATENT & TRADEMARK EXAMINER

Examiner

Matthew J. Kremer

Customer No.

25231

Group Art Unit

3736

Confirmation No.

6801

Invention:

PULSE OXIMETER

COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.


Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

- ☐ Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

- ☒ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

  
Signature

Dated: 9/24/04

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I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on \_\_\_\_\_.

  
(Date)

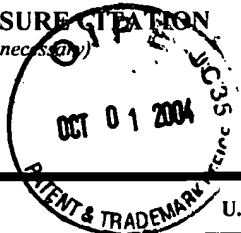
Signature of Person Mailing Correspondence

Terri Belich

Typed or Printed Name of Person Mailing Correspondence

cc: 25231

**INFORMATION DISCLOSURE STATEMENT**  
(Use several sheets if necessary)



Docket Number (optional)

44565-00041

Application Number

10/661,012

Applicant(s)

Borje et al.

Filing Date

September 12, 2003

Group art Unit

3736

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1.	6,697,658	02/24/04	Al-Ali	600	323	

**FOREIGN PATENT DOCUMENTS**

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application